

REMARKS

The Applicants do not believe that examination of the foregoing amendment will result in the introduction of new matter into the present application for invention. Therefore, the Applicants, respectfully, request that the above amendment be entered in and that the claims to the present application, kindly, be reconsidered.

The Office Action dated August 26, 2005 has been received and considered by the Applicants. Claims 1-20 are pending in the present application for invention. Claims 1-20 are rejected by the Office Action.

The Office Action rejects Claims 1-18 and 20 under the provisions of 35 U.S.C. §103(a) in as being obvious over U.S. Patent No. 6,707,476 issued to Hochstedler (hereinafter referred to as Hochstedler) in view of U.S. Patent No. 6,400,996 issued to Hoffberg et al. (hereinafter referred to as Hoffberg et al.). The MPEP at §2143.03 states that in order to establish a *prima facie* case of obviousness that all the claim limitations must be taught or suggested by the prior art references. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

Regarding Claim 1, the rejection alleges that Hochstedler teaches all the elements defined by rejected claims 1 except for monitoring the selection of the at least one selectable parameter by a user. The rejection asserts that Hoffberg et al. teach a method of customizing a graphical user interface for a computer controlled system having at least one selectable parameter. Rejected Claim 1 defines subject matter for "actuating an input mechanism such that a first actuation of the input device accepts the displayed optimized arrangement and a second actuation of the input device cancels the displayed optimized arrangement." The Office Action asserts that the foregoing subject matter is found on Hochstedler on col. 8, lines 43-55. The Applicants, respectfully, point out that col. 8, lines 43-55 of Hochstedler discloses an OK button and a cancel button. The Applicants further point out that there is no disclosure or suggestion within Hochstedler of an input mechanism such that a first actuation accepts the displayed optimized arrangement and a second actuation cancels the displayed optimized arrangement" as alleged by the Office Action. Therefore, there remain features defined by rejected Claim 1 that are not found within the cited references used by the rejection made in the Final Office Action. Accordingly, the Final Office Action does not make a *prima facie* case of obviousness because

all the claim limitations are not taught or suggested by the prior art references, Hoffberg et al. or Hochstedler, either alone or in combination. Therefore, this rejection is respectfully, traversed.

Claims 2-6 depend from Claim 1, either directly or indirectly, and further narrow and define Claim 1. Therefore, Claims 2-6, are also believed to be allowable.

Regarding Claim 7, the rejection alleges that Hochstedler teaches all the elements defined by rejected claims 1 except for monitoring the selection of the at least one selectable parameter by a user. The rejection asserts that Hoffberg et al. teach a method of customizing a graphical user interface for a computer controlled system having at least one selectable parameter. Rejected Claim 1 defines subject matter for "actuating an input mechanism such that a first actuation of the input device accepts the displayed optimized arrangement and a second actuation of the input device cancels the displayed optimized arrangement." The Office Action asserts that the foregoing subject matter is found on Hochstedler on col. 8, lines 43-55. The Applicants, respectfully, point out that col. 8, lines 43-55 of Hochstedler discloses an OK button and a cancel button. The Applicants further point out that there is no disclosure or suggestion within Hochstedler of an input mechanism such that a first actuation accepts the displayed optimized arrangement and a second actuation cancels the displayed optimized arrangement" as alleged by the Office Action. Therefore, there remain features defined by rejected Claim 7 that are not found within the cited references used by the rejection made in the Final Office Action. Accordingly, the Final Office Action does not make a *prima facie* case of obviousness because all the claim limitations are not taught or suggested by the prior art references, Hoffberg et al. or Hochstedler, either alone or in combination. Therefore, this rejection is respectfully, traversed.

Claim 8-18 and 20 depend from Claims 1 or 7, either directly or indirectly and further narrow and define Claims 1 and 7. Therefore, Claims 8-14 are also believed to be allowable.

The Office Action rejects Claim 19 20 under the provisions of 35 U.S.C. §103(a) in as being obvious over Hochstedler in view of Hoffberg et al. and further in view of U.S. Patent No. 6,452,617 issued to Bates et al. (hereinafter referred to as Bates et al.). The MPEP states at §2143.03 that in order to establish a *prima facie* case of obviousness that all the claim limitations must be taught or suggested by the prior art references. "To establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180

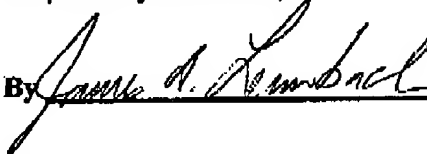
USPQ 580 (CCPA 1974).

Regarding Claim 19, the rejection contained within the Office Action alleges that the combination of Hochstedler in view of Hoffberg et al. teaches all the elements defined by rejected Claim 19 except wherein the input device provides a single click mechanism as the first actuation and a double click mechanism for the second actuation. The Examiner asserts that the foregoing subject matter is found within Bates et al. at col. 1, lines 40-55. The Applicants, respectfully point out that Bates et al. at col. 1, lines 40-55 simply teach that a double click can be used to actuate or constitute two single clicks. Claim 19 defines subject matter for an input mechanism such that a first actuation accepts the displayed optimized arrangement and a second actuation of the input device cancels the displayed optimized arrangement. There is no disclosure or suggestion within the cited references for an input mechanism such that a first actuation accepts an arrangement and a second actuation of the input device cancels the arrangement. Therefore, this rejection is traversed.

Applicant is not aware of any additional patents, publications, or other information not previously submitted to the Patent and Trademark Office which would be required under 37 C.F.R. 1.99.

In view of the foregoing amendment and remarks, the Applicant believes that the present application is in condition for allowance, with such allowance being, respectfully, requested.

Respectfully submitted,

By 

James D. Leimbach
Patent Attorney Reg. No. 34,374

Please address all correspondence for this application to:
Michael E. Belk, Senior Intellectual Property Counsel
Philips Intellectual Property & Standards
Philips Electronics N.A. Corp.
P.O. Box 3001
Briarcliff Manor, NY 10510-8001 USA
(914) 333-9643,

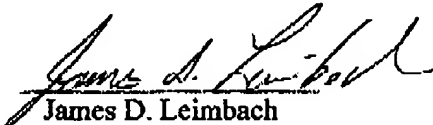
CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence
is being transmitted on this date via
facsimile transmission to (571) 273-8300 AND addressed to:
Mail Stop: Amendment
COMMISSIONER OF PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Date of Transmission: November 26, 2005

(Signature)

By:


James D. Leimbach